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REMARKS

Firstly, applicant expresses appreciation to the Examiner for consideration of the submitted claims. Certain claims were rejected under 35 U.S.C. 102 as being anticipated and other claims were rejected under 35 U.S.C. 103(a) as being obvious. Applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below.

I. Claim Rejections – 35 USC § 102

Claims 1-5, 8-17, 19 and 27 stand rejected under 35 U.S.C. 102 as being anticipated by Fox et al. (US 5,041,108, hereinafter "Fox"). The presently claimed invention teaches an elongated body extending from a proximal end to a distal end engaged along a target site; a delivery member extending through the elongated body to deliver a voltage sensitive dye to the target site; and a transmission member extending through the elongated body to transmit a signal associated with an action potential corresponding to the target site.

Fox teaches a laser microsurgical method and apparatus for safely treating occluded body lumens with laser energy that is designed to minimize the possibility of damage to or perforation of the surrounding tissue of the lumen. As described at col. 7, lines 16-20 of Fox, a laser fiber bundle transmits laser energy to destroy the tissue of luminal occlusions, such as atheromatous plaque and the like. Luminal occlusions such as atheromatous plaque generally do not contain excitable tissue in which an action potential, either intrinsic or evoked, will occur. Therefore, while Fox teaches fibers that are used for transmitting a tissue destroying laser energy, Fox does not teach a transmission member to transmit a signal associated with an action potential corresponding to the target site, as set forth in independent claim 1 of the present invention. Fox does not teach a method for sensing an action potential signal as set forth in independent claim 19 of the present invention and does not teach a means for generating a sense signal in response to the action potential being detected as set forth in Independent claim 27 of the present invention. Therefore, claims 1-5, 8-17, 19

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and 27 are patentably distinguishable from Fox. Accordingly, withdrawal of the rejection is respectfully requested.

II. Claim Rejections -- 35 USC § 103

Claims 6, 7, 18, 20, 28, 21-26 and 29-34 stand rejected under 35 U.S.C. § 103 as being unpatentable over Fox in view of Shelton (US 5,836,989, hereinafter "Shelton"). The presently claimed invention teaches an elongated body extending from a proximal end to a distal end engaged along a target site; a delivery member extending through the elongated body to deliver a voltage sensitive dye to the target site; and a transmission member extending through the elongated body to transmit a signal associated with an action potential corresponding to the target site. Fox discloses the use of laser energy to destroy the tissue of luminal occlusions, as described above. Shelton teaches a medical device having a primary operating function and a trial operating function. These functions are enabled or disabled in a time dependent manner to permit their comparison and evaluation in a patient. Shelton generally describes a lead with one or more exposed conductive electrodes for receiving electric cardiac signals or for delivering electrical pacing pulses. According to Shelton, cardiac stimulators typically process patient electrograms and acquire or measure physiological data for diagnosis. A controller/timer defines the basic pacing or escape interval initiated upon sensing an atrial event or a ventricular event.

Cardiac events sensed by processing patient electrograms do not represent an action potential signal. Shelton does not teach sensing or transmitting a signal associated with an action potential. Fox teaches away from the claimed invention since laser energy to destroy tissue would destroy the ability of the tissue to generate an action potential response to either intrinsic or evoked depolarizations. As such, there is no suggestion, express or implied, to combine the Fox reference with the Shelton reference. Applicant respectfully requests withdrawal of the rejection of the indicated claims.

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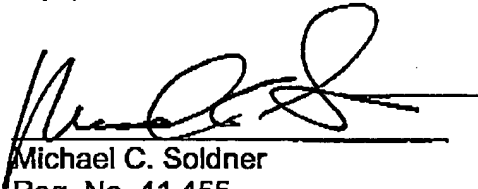
III. Conclusion

Applicant respectfully asserts that the references fail to anticipate or render obvious the indicated claims. As such, Applicant respectfully asserts that the present claims are in condition for allowance and notice of the same is earnestly solicited.

Respectfully submitted,

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